IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1017 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/04/2005 in WP NO : 9931 OF 2005 on the file of the High Court.)

Between:

Duvvuri Janardhan Reddy, S/o. Venkatrami Reddy,
R/o. Mallam Village, Chittamoor Mandal, Nellore District.

..... APPELLANT

AND

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector, Nellore - 524 001.
3 The Revenue Divisional Officer, Gudur, Nellore District.

.....RESPONDENTS

Counsel for the Appellant: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

JUDGMENT(per Hon'ble VE, J)

Heard the learned counsel for the appellant as well as the learned Government Pleader for Revenue appearing for the respondents.

This writ appeal is filed against the order of the learned Single Judge of this Court dated 27-04-2005 in W.P.No.9931 of 2005 wherein the learned single Judge directed the appellant to file an appeal against the order of the third respondent dated 08-04-2005. By the said order the appellant was directed to surrender the lands mentioned therein, as those lands are surplus lands under the Land Reforms Act, 1973, and vested in the Government. Admittedly, against the said order of the Revenue Divisional Officer, an appeal lies to the Joint Collector. Therefore, the learned Single Judge while permitting the appellant to file the appeal, granted stay for a period of four weeks.

The learned counsel appearing for the appellant submitted that pursuant to the show cause notice dated 05-03-2005 the appellant submitted the explanation dated 01-04-2005 requesting the third respondent to furnish the particulars of the lands referred in the show cause notice, as to how the said lands became surplus lands and to which of the land less poor those lands have been assigned. But without furnishing any of the relevant documents in respect of the survey numbers mentioned in the show cause, it is stated that the appellant has illegally purchased

the said lands and continuing in possession of the same, though the same are vested with the Government.

Having regard to the facts and circumstances of the case, we are not inclined to interfere with the order of the learned single Judge, as there is an alternative remedy of appeal before the Joint Collector. But, however, it is just and proper for the Revenue Divisional Officer to furnish the relevant proceedings showing that the lands in question are the surplus lands. Accordingly, the third respondent is directed to furnish the relevant proceedings or the particulars of the surplus lands in question within four weeks from the date of receipt of a copy of this order. The appellant is permitted to file an appeal along with an application seeking stay, within two weeks from the date receipt of a copy of this order.

The writ appeal is accordingly disposed of.

17-05-2005

vs/ks

To

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector, Nellore - 524 001.
3 The Revenue Divisional Officer, Gudur, Nellore District.

4 Two CCs to the G.P for Revenue, High Court of A.P.,

Hyderabad(O.U.T).

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